

SENATE CHAMBER
AUSTIN, TEXAS, Tuesday, April 11, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senator Flanagan.

Prayer by Rev. Mr. Williams.

On motion of Senator Rawson, the reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Education :

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred Senate bill No. 330, entitled "An act to incorporate the Hebrew Benevolent Society of Brenham, in the county of Washington," have had the same under careful consideration, and a majority thereof instruct me to report it back with the recommendation that it do pass.

Respectfully,

E. PETTIT,
Chairman.

Report read and laid over under the rules.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
AUSTIN, April 11, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses have had the following accounts before them for consideration, and after having duly examined the same recommend that they be paid:

Account of Tracy, Siemering & Co.	\$648 10
" John T. Miller & Son.....	35 40
" F. Pressler.....	30 00
" F. W. Davis....	40 00

Persons having claims against the Senate will present them to the Secretary of the Senate, and upon receiving their vouchers will receipt for the same.

J. S. MILLS,
Chairman.

Report read and on motion of Senator Gaines, the rules were suspended, the report adopted and the several accounts allowed.

BILLS AND RESOLUTIONS.

By Senator Fountain: a bill (Senate bill No. 339) to be entitled "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature." Read first time and referred to Committee on Contingent Expenses.

Also, a bill (Senate bill No. 340) to be entitled "An act making an appropriation to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of 'an act regulating public printing.'" Read first time and referred to committee on Contingent Expenses.

By Senator Pickett: a bill (Senate bill No. 341) to be entitled "An act authorizing and requiring the sheriffs of the several counties in this State to pay certain audited claims." Read first time.

On motion of Senator Pickett, the rules were suspended, and Senate bill No. 341 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended and Senate bill No. 341 read a third time, and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—21.

Nays—Bowers, Broughton, Douglass, Evans, Mills—5.

By Senator Saylor: a bill (Senate bill No. 342) to be entitled "An act to incorporate the Texas Mercantile Association." Read first time and referred to Committee on State Affairs.

By Senator Pettit: a bill (Senate bill No. 343) to be entitled "An act to incorporate the town of Crockett in Houston county." Read first time and referred to Committee on Judiciary.

BILLS ON SECOND READING.

Senate bill No. 318, to be entitled "An act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company," read second time, ordered engrossed and passed to a third reading.

On motion of Senator Cole, the rules were suspended and Senate bill No. 318 read third and passed.

Report of Committee on Enrolled Bills:

By leave, Senator Pridgen submitted the following report of Committee on Enrolled Bills:

COMMITTEE ROOM,
AUSTIN, April 10, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have carefully examined and find correctly enrolled Senate bill No. 250, entitled "An act to authorize Henry W. Jones, his associates and successors, to construct, own and keep a toll bridge on Sulphur Fork of Red River;" and Senate bill No. 201, entitled "An act to authorize the County Court of Robertson county to levy and collect a special tax, for the term of two years, to build a court house and jail at Calvert, the county seat of said county;" and Senate bill No. 38, entitled "An act to incorporate the Kemper City Bridge Company;" and Senate bill No. 279, entitled "An act to incorporate the Belton Bridge Company;" and Senate bill No. 37, entitled "An act to incorporate the Cuero Bridge Company;" and Senate bill No. 114, entitled "An act to authorize A. R. Parsons and J. A. Helms to erect a toll bridge over Richland creek, in the county of Navarro, Texas;" and Senate bill No. 151, entitled "An act to incorporate the city of Groesbeck, in Limestone county;" and Senate bill No. 129, entitled "An act to authorize J. S. Garrison to erect a toll bridge over Atoyac river, in Rusk county, Texas;" and Senate bill No. 113, entitled "An act to authorize the erection of a toll bridge over Rush creek, in Navarro county, Texas;" and Senate bill No. 156, entitled "An act to invest the principal of the perpetual school fund;" and Senate bill No. 7, entitled "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements," and to-day presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

BILLS ON SECOND READING—Resumed.

Senate joint resolution No. 14, "Joint resolution instructing our Senators and requesting our Representatives in Congress to obtain an extension of time of act of Congress approved July 2, 1862, with amendment, approved July 23, 1866, as referred to within." Read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Pettit, the rules were suspended and Senate joint resolution No. 14 read third time and passed.

Senate bill No. 69, "An act supplementary to an act entitled

'an act to provide for the registration of voters,' approved July 11, A. D. 1870." Read second time.

Senator Hall offered the following amendment, which was adopted: Amend section three, line nineteen, after the word "not" insert the words "to be."

Senate bill No. 69 ordered engrossed and passed to a third reading as amended.

Senate bill No. 102, "An act to further amend the eleventh section of 'an act to provide for the registration of deeds and other instruments of writing,' approved May 12, 1846." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bowers, the rules were suspended and Senate bill No. 102 read third time and passed.

11 o'clock A. M.

The hour for special order arrived, House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company."

Question being on final passage, Senator Dohoney moved that House bill No. 267 do now pass.

Yeas and nays called for, and the bill passed by the following vote:

Yeas--Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Douglass, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon--23.

Nays--None.

Under direction of the President the Secretary carried to the House, with the action of the Senate:

House bill No. 60, "An act to incorporate the town of Cleburne, in Johnson county," passed April 10, with amendments.

House bill No 120, "An act to authorize the presiding justices of the several counties to perform certain acts for the benefit of idiots and insane persons," passed April 10.

House bill No. 208, "An act to incorporate the Little Brazos River Bridge Company," passed April 10, with amendments.

House bill No. 218, "An act to authorize the County Court of Titus county to issue interest bearing bonds, and to levy a tax to pay the same," passed April 10.

Also informed the House that the Senate had adopted the following resolution:

Resolved, That at 12 o'clock to-morrow, the Senate will resolve itself into a Court of Impeachment, at which time the following oath or affirmation shall be administered by the Secretary to the President of the Senate, and by him to each member of the

Senate, to-wit: "I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of William H. Russell, Judge of the Fifteenth Judicial District, I will do impartial justice, according to law;" which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment, in the name of themselves and of all the people of the State of Texas, against William H. Russell, Judge of the Fifteenth Judicial District, pursuant to notice given to the Senate this day by the House of Representatives that they had appointed for the purpose aforesaid.

Also, for signature of the Speaker, the following enrolled Senate bills:

Senate bill No. 13, "An act to authorize the clerks of the district courts and the justices of the peace of the several counties to issue executions after the adjournment of each term of their respective courts, against the plaintiff or defendant for costs created by them in any suit or suits therein."

Senate bill No. 258, "An act to authorize Matthew Armstrong, his associates and successors to construct own and keep a toll bridge on White Oak creek, in Hopkins county."

Senate bill No. 196, "An act to incorporate the city of Hearne."

Enrolled bills signed by the Speaker, returned to the Senate, and signed by the President.

BILLS ON SECOND READING—Resumed.

Senate bill No. 83, "An act supplementary to 'an act to organize the courts of justices of the peace, and define their jurisdiction and duties,' approved August 13, 1870." Read second time.

Senator Pickett moved that the report of the Committee on Judiciary, recommending that the bill do not pass, be adopted. Motion carried, and Senate bill No. 83 lost.

Senate bill No. 24, "An act to amend the fourth section of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties.'" Read second time.

On motion of Senator Ruby, the following substitute, reported by the Committee on Judiciary, was adopted: Substitute for Senate bill No. 24, "An act amendatory of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870."

Substitute Senate bill No. 24 ordered engrossed and passed to a third reading.

On motion of Senator Baker, the rules were suspended and substitute for Senate bill No. 24 read third time and passed.

Senate bill No. 159, "An act to incorporate the Indianola City and Land Company." Read second time.

Senator Bell moved that Senate bill No. 159 be referred to the Committee on Judiciary.

Senator Doloney moved that the bill be indefinitely postponed. Carried, and Senate bill No. 159 indefinitely postponed.

Message from the House by the Chief Clerk, informing the Senate that the House had passed, without amendments, the following Senate bills:

Senate bill No. 157, "An act to incorporate the Dallas Gas Company."

Substitute for Senate bill No. 3, "An act to incorporate the Houston Gewerbe Verein, city of Houston, Harris county, for benevolent purposes."

Senate bill No. 36, "An act to incorporate the German Casino of Columbus, Texas."

Senate bill No. 56, "An act for the relief of Moses L. Patton."

Senate bill No. 72, "An act to incorporate the Hebrew Benevolent Association of Jefferson, Texas."

Senate bill No. 95, "An act to incorporate the San Antonio Hebrew Benevolent Association."

Senate bill No. 96, "An act to amend an act entitled 'an act to incorporate the Alamo Fire Association.'"

Senate bill No. 107, "An act to incorporate the San Antonio Shooting Company."

Senate bill No. 186, an act to be entitled "An act to provide for the more permanent preservation of the graves in the State cemetery at Austin, Texas."

Senate bill No. 187, "An act to incorporate the Navarro Jockey Club."

Senate bill No. 230, "An act to incorporate the officers and members of the Grapevine Lodge No. 288, Free and Accepted Masons."

Senate bill No. 236, "An act to incorporate the Tyler Cemetery Association."

Also, with amendments, the following Senate bills:

Senate bill No. 85, "An act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1."

Senate bill No. 266, "An act to incorporate the Waco City Cemetery Association."

12 o'clock M.

The hour having arrived fixed by the resolution of yesterday, the Senate resolved itself into a High Court of Impeachment.

HIGH COURT OF IMPEACHMENT.

AUSTIN, TEXAS,
Tuesday, April 11, 1871.

THE STATE OF TEXAS *vs.* WILLIAM H. RUSSELL.

The Senate having resolved itself into a high court of impeachment, the Secretary administered to the President the oath prescribed by the resolution of yesterday, and the President then administered the same oath, to the following Senators :

Messrs. Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglass, Evans, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick.

Ordered, That the Secretary inform the House of Representatives that the Senate has resolved itself into a high court of impeachment, and is now ready to receive the managers appointed by the House to exhibit articles of impeachment against William H. Russell, Judge of the Fifteenth Judicial District, State of Texas.

The managers appointed by the House of Representatives, to-wit : Messrs. Schutze, McLean, Butler, Chambers and Jo. Abbott, appeared and were admitted ; and Mr. Schutze, their Chairman, announced that they were instructed by the House of Representatives to exhibit certain articles of impeachment against William H. Russell, Judge of the Fifteenth Judicial District, of the State of Texas.

Mr. Schutze, their Chairman, read the following articles :

Articles exhibited by the House of Representatives of the State of Texas, in the name of themselves and all the people of the State, against William H. Russell, Judge of the Fifteenth Judicial District, State of Texas in maintenance and support of their impeachment against him for high crimes and misdemeanors.

ARTICLE I.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them faithfully and impartially, the said William H. Russell, on the ninth day of November, A. D. 1870, in the court house of the county of Cameron, State of Texas, did wrest by force, and without warrant or authority of law, from the person of Henry Haupt, a citizen of the United States, resident of the county of Cameron, State of

Texas, and practicing attorney at law, a certain letter, the same being private in its character, signed by Edmund J. Davis and directed to Hon. F. Cummings, Brownsville, Texas, which was then in possession of the said Henry Haupt; and the said William H. Russell did, in his official capacity, conduct himself in a manner highly arbitrary and unjust.

ARTICLE II.

That the said William H. Russell, in defiance and contempt of the laws of the State of Texas, and of the United States of America, on the twenty-sixth day of November, A. D. 1870, in the court house of the county of Cameron, State of Texas, in his capacity as Judge of the Fifteenth Judicial District of said State, did usurp a power which is not warranted by the laws of the State of Texas, but especially prohibited by the Constitution of the State of Texas, in this: That the said William H. Russell, in a manner cruel, vindictive and unjust, did sentence Henry Haupt, a citizen of the United States, resident of Cameron county, State of Texas, and practicing attorney-at-law, to three days' imprisonment and a fine of one hundred dollars, denying to the said Henry Haupt the trial by jury, and caused the said Henry Haupt to be imprisoned for the period above stated, and caused the fine so stated to be exacted from the said Henry Haupt.

ARTICLE III.

That the said William H. Russell, in the capacity as judge of the Fifteenth Judicial District of the State of Texas, violated the most sacred right of the people of this State and of the United States—the liberty of speech, the liberty of the press and the right of trial by jury—by unlawfully and cruelly imprisoning Henry Haupt, a citizen of the United States, resident of Cameron county, State of Texas, and practicing attorney at law, for the alleged offense of the said Henry Haupt having published in a public newspaper a statement regarding proceedings in the court house of the county of Cameron, State of Texas, and commenting upon the acts of the said William H. Russell.

ARTICLE IV.

That the said William H. Russell, judge of the Fifteenth Judicial District of the State of Texas, is wholly and totally incompetent to exercise the high functions and discharge the duties of the office to which he has been assigned.

And the House of Representatives, by protestation, reserve to

themselves the liberty of exhibiting, at any time hereafter, any further articles or other accusation or impeachment against the said William H. Russell, and also of replying to his answer which he shall make unto the said articles, or any of them, and offering proof to all and every of the aforesaid articles, and to all and every other article of impeachment or accusation which shall be exhibited by them as the case shall require, and do demand that the said Wm. H. Russell may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials and judgments may be thereafter had and given as are agreeable to law and justice.

The President then informed the managers that the Senate would take proper order on the subject of the said impeachment, of which due notice would be given to the House of Representatives.

The managers, by their chairman, then delivered the articles of impeachment at the table of the Secretary, and withdrew.

Mr. Bowers submitted the following resolution, which was considered by unanimous consent. and agreed to :

Resolved, That the Secretary be directed to issue a summons in the usual form to William H. Russell, Judge of the Fifteenth Judicial District of the State of Texas, to answer certain articles of impeachment exhibited against him by the House of Representatives on this day, and that the said summons be returnable here on Wednesday, the twelfth day of April, at 12 o'clock M., and be served by the Sergeant-at-Arms or some person deputed by him. Also, that the said William H. Russell, Judge of the Fifteenth Judicial District of the State of Texas, be furnished with a certified copy of the articles exhibited against him.

Ordered, That the Secretary lay this resolution before the House of Representatives.

On motion of Mr. Foster, the court adjourned to Wednesday, the twelfth day of April, at 12 o'clock M.

IN SENATE.

By leave, Senator Bowers introduced a bill (Senate bill No. 344) to be entitled "An act to incorporate the Colorado River Improvement and Navigation Company." Read first time and referred to Committee on Internal Improvements.

Senator Ruby submitted following report of the Committee on Engrossed Bills:

COMMITTEE ROOM.

AUSTIN, April 11, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and

compared Senate bill No. 341, "An act authorizing and requiring the sheriffs of the several counties in this State to pay certain claims," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

On motion of Senator Parsons, the Senate, at 12:30 P. M., adjourned to 10 A. M. to-morrow.
